

CHAPTER NO. 913**HOUSE BILL NO. 3411****By Representative Hargrove****Substituted for: Senate Bill No. 3300****By Senator Cooper**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 126, relative to manufactured homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-126-206, is amended by adding the following language at the end of subsection (a):

The licensing requirements shall not apply to individual employees of a licensed retailer. However, at least one (1) employee of a licensed retailer who is directly involved in the installation of a manufactured home is required to be certified by the commissioner. In order to obtain such certification, the employee shall have completed a fifteen (15) hour course and shall have passed an examination in manufactured home installation approved by the commissioner. At least one (1) certified employee shall be physically on site at the time of installation of any manufactured home.

SECTION 2. Tennessee Code Annotated, Section 68-126-402, is amended by adding the following as a new, appropriately designated subdivision:

() "Installer" means a licensed manufactured home installer, or a licensed manufactured home retailer. It does not include individual employees of licensed installers and retailers, unless such individuals are duly licensed as installers or retailers in accordance with the provisions of this chapter.

SECTION 3. Tennessee Code Annotated, Section 68-126-402, is amended by deleting subdivision (4) in its entirety and substituting instead the following:

(4) "Set-up" means an installation of the manufactured home according to the manufacturer's installation instructions or those provided in § 68-126-403(c)(2), (3) and (4) and includes, but is not limited to, the following: site preparation; support structures including footings, piers, caps and shims; anchoring systems; connection, fastening, moisture barrier installation between sections, and roofing dry-in of multi-sections; HVAC duct connection; plumbing and electrical cross-over connections; completion of exterior siding; installation of heating application ventilation systems or fireplace chimney systems; and completion of hinged roof sections.

SECTION 4. Tennessee Code Annotated, Section 68-126-404, is amended by deleting the text of the section in its entirety and substituting instead the following:

(a) No person may install a manufactured home in this state unless such person is licensed by the commissioner as an installer. Any subcontractor used by an installer

to perform installation work in accordance with § 68-126-205 shall be duly licensed as an installer or shall be covered under the installer's bond. At least one (1) person who actually performs installation work at the site shall be certified by the commissioner in accordance with (d)(2) of this section.

(b) In addition to meeting other lawful requirements, an applicant for a license as an installer shall present, at the time of application, proof of having completed a fifteen (15) hour course, approved by the commissioner, covering the installation of manufactured homes.

(c) Prior to being issued a license as an installer, an applicant shall have passed an examination in manufactured home installation that is approved by the commissioner.

(d)

(1) An application for a license as an installer shall be submitted on a form prescribed by the commissioner, and shall be accompanied by a fee of twenty-five dollars (\$25.00). An application for a license as an installer shall be accompanied by a surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Tennessee as a surety. The bond shall be executed to the state of Tennessee and in favor of any consumer who shall suffer any loss as a result of the violation of this part. The bond shall be in the amount of ten thousand dollars (\$10,000). The fee specified herein shall be paid annually and shall not be prorated for portions of a year. All licenses shall expire one (1) year from the date of issuance.

(2) An application for certification by an employee of an installer shall be submitted on a form prescribed by the commissioner and shall be accompanied by proof of having completed a fifteen (15) hour course and passed an examination approved by the commissioner, covering the installation of manufactured homes. The license fee and bond requirements specified in (d)(1) of this section shall not apply to applicants for certification. All certifications shall expire one (1) year from the date of issuance.

(3) The application for a license as an installer must specify each employee who has been certified by the commissioner as having successfully completed the examination for manufactured home retailers and installers and who will or may be physically on site at the time of set-up of any manufactured home.

(4) In addition to the fee established in (d)(1) of this section for the issuance of a license as an installer, any installer who fails to renew such installer license on or before its expiration date or who commences business in this state prior to obtaining a license shall be required to pay a penalty in an amount that the commissioner may determine by rule for acting as an installer without a license.

(e) In addition to the requirements of (d)(1) of this section, after January 1, 2004, and as a prerequisite to renewal of a license as an installer, the installer shall present proof of having completed five (5) hours of continuing education in manufactured home installation, approved by the commissioner, during the twelve (12) month period

immediately preceding renewal. After January 1, 2004, any person desiring to renew certification shall present proof of having completed five (5) hours of continuing education in manufactured home installation, approved by the commissioner, during the twelve (12) month period immediately preceding renewal.

(f) The commissioner may require installers to establish and maintain such records, make such reports, and provide such information as may be necessary to ensure compliance with this part.

(g) Installers of HVAC systems who are engaged in the activities described in Section 68-126-402(4) in conjunction with the installation of HVAC systems are exempt from the requirements of this section.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 21, 2004



**JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES**



**JOHN S. WILDER
SPEAKER OF THE SENATE**

APPROVED this 8th day of June 2004



PHIL BREDESEN, GOVERNOR